



Arnold Schwarzenegger, Governor  
State of California  
Business, Transportation and Housing Agency

---

Department of Managed Health Care  
980 9<sup>th</sup> Street, Suite 500  
Sacramento, CA 95814-2725

April 30, 2009

Lisa Koltun  
Vice President for Health Plan Regulatory Services  
Kaiser Permanente  
1 Kaiser Plaza, Suite 2600  
Oakland, CA 94612

Dear Ms. Koltun:

The California Department of Managed Health Care (DMHC) has concluded its investigation of a whistleblower complaint concerning the Plan's use of unlicensed call center representatives to improperly give medical advice to patients. The Department has concluded the concern is not supported.

Following receipt of the whistleblower's complaint, DMHC Help Center staff requested and received a number of Plan documents concerning the Call Center. In January of this year, the Help Center Team conducted a site visit to Kaiser's Sacramento Call Center to evaluate procedures guiding telephone service representatives (TSRs) in answering member calls, in training TSRs who answer the calls, and noted the auditing of TSR calls to ensure compliance with established protocols. The Team interviewed TSRs, interacted with call center staff, and monitored live calls.

The results of the investigation noted that Kaiser's training program for new TSRs and monitoring of live calls emphasized a strict adherence to prepared scripts. Overall, the investigation into the complaint found no evidence, in written policies or in practice, that the non-licensed TSRs violated the law. The investigation confirmed that more in-depth auditing is not necessary at this time.

Although the investigation found no immediate issue in response to this particular complaint, DMHC Help Center staff will monitor audits of TSR calls for the next six months to ensure that call center agents strictly adhere to the law that prohibits unlicensed personnel from providing telephone medical advice.

The report is attached and will be posted on the DMHC Web site. Should you have questions, please contact Roxann Floyd, Manager, Division of Plan Surveys, at (916) 255-2383.

Sincerely,

A handwritten signature in black ink that reads "Barbara Reagan". The signature is fluid and cursive, with a long horizontal line extending from the end.

Barbara Reagan  
Assistant Deputy Director  
Department of Managed Health Care

Attachment